

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Matthew Lucas,

Plaintiff,

-against-

Martin J. O'Malley,

Defendant.

24cv275 (RFT)

**ORDER**

**ROBYN F. TARNOFSKY, United States Magistrate Judge:**

At the oral argument scheduled for January 31, 2025, the parties should be prepared to address the following issues:

1. Did the ALJ adequately develop the record given the reliance on assessments made by L. Haus on 5/31/2021 (R. at 98-112) and E. Kamin on 9/7/2021 (id. at 114-133), over a year before the hearing? In light of the ALJ's conclusion that more recent assessments were not persuasive, should the ALJ have required that the record be supplemented?
2. Was the ALJ's explanation of the supportability and consistency of the medical opinions found to be persuasive (those of L. Haus and E. Kamin) – that “[t]hese opinions come from medical specialists and their opinions are supported by, and consistent with, the rest of the psychiatric evidence of record” (R. at 23) – sufficient under current regulations?
3. Did the ALJ adequately address the consistency and supportability of Dr. Tobe's opinion?

DATED: December 27, 2024  
New York, NY

SO ORDERED.



**ROBYN F. TARNOFSKY**  
United States Magistrate Judge